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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/134,771 | 08/12/1998 | DINAH W.Y. SAH | 860098.425 | 8421 |

7590

09/30/2003

Pennie & Edmonds
1155 Avenue of the Americas
New York, NY 10036-2711

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 09/30/2003

35

Please find below and/or attached an Office communication concerning this application or proceeding.

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| EXAMINER |
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| ART UNIT | PAPER |
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Commissioner for Patents

The appeal brief filed on 07/21/03 has been found defective for the reasons as set forth below:


The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5). In instant case the subject matter under "Summary of the Invention" does not refer to the specification by page and line number.

The brief is further defective because it raises new issues that were not presented before. The brief as filed requires that "The Examiner is called upon to file a Declaration to support the contention that rat neuronal stem or progenitor cells are equivalent to human neural stem or progenitor cells. Absent this, the rejection is improper." (See appeal brief page 10). This is a newly raised issue not presented before. Applicant also did not previously traverse the equivalency of the cell types.

Appellant is required to comply with provisions of 37 CFR 1.192(c). To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumesh Kaushal Ph.D. whose telephone number is 703-305-6838. The examiner can normally be reached on Mon-Fri. from 9AM-5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yucel Irem Ph.D. can be reached on 703-305-1998. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

S.Kaushal
PATENT EXAMINER


JEFFREY FREDMAN
PRIMARY EXAMINER